

Exhibit 4

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DON GIBSON, LAUREN CRISS,)
JOHN MEINERS, and DANIEL UMPA,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

NATIONAL ASSOCIATION OF)
REALTORS, et al.,)

Defendants.)

Case No. 4:23-cv-00788-SRB
[Consolidated with 4:23-cv-00945-SRB]

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S
MOTION FOR ATTORNEY'S FEES, COSTS, EXPENSES AND SERVICE AWARDS**

I, Steve W. Berman, state under oath, as follows:

1. I am the managing partner at Hagens Berman Sobol Shapiro LLP. I am admitted to this Court *pro hac vice* and am one of the attorneys for Plaintiffs. I am also an attorney for Plaintiffs in the *Moehrl* action. I submit this declaration in support of Plaintiffs' motion for attorney's fees, costs, expenses, and service awards. I have full knowledge of the matters stated herein and would testify to these facts if called upon.

2. In my February 29, 2024 declaration, *see Burnett v. National Association of Realtors*, W.D. Mo. 19-CV-00332-SRB, ECF No. 1392-4, I described generally the work that the *Moehrl* Plaintiff firms have done, the specific work that my firm has done in the litigation, the background of the attorneys working on this matter at my firm, and the process by which my firm tracks attorney time. I also described the process by which the *Moehrl* Plaintiffs developed the

case theory and litigated the case. That work has been essential to the results of the *Moehrl* action, as well as the *Burnett*, *Gibson*, and *Umpa* matters.

3. In my February 29, 2024 declaration, my firm reported \$11,771,535.00 in lodestar in the *Moehrl* and *Burnett* actions. Since then, my firm has continued to work on those matters, as well as the *Gibson* and *Umpa* matters. My firm has drafted pleadings, worked in detail on the class notice process, and participated in numerous settlement discussions and mediations. Combined, my firm's total lodestar in all actions at current rates and updated through July 31, 2024, is \$14,166,140.00. A detailed breakdown of the hours expended by each employee at my firm and their current hourly rate is attached hereto as **Exhibit A**.

4. In my February 29, 2024 declaration, I described the general process by which my firm maintained a common fund to pay certain large expenses in the *Moehrl* litigation. Since that time, my firm has established a separate common fund to pay certain expenses in the *Gibson* litigation. In total, \$65,000 has been paid to date from the *Gibson* litigation fund, which has been funded by contributions from law firms to the litigation fund. These expenses were paid by Counsel with no guarantee that they would ultimately be recovered. All of the expenses incurred to date from the Common Fund for the *Gibson* litigation relate to mediations.

5. In my February 29, 2024 declaration, my firm reported \$43,307.89 in unreimbursed litigation expenses in the *Moehrl* and *Burnett* actions. My firm, Hagens Berman, has advanced and incurred an additional \$23,698.32 in unreimbursed litigation costs since that point. In total, my firm has expenses of \$67,006.21 in the actions, apart from the contributions it has made to the litigation funds. These are reasonable litigation costs that were incurred in this case for the benefit of the settlement class members. A detailed breakdown of all unreimbursed funds paid by Hagens Berman is attached hereto as **Exhibit B**.

6. In my February 29, 2024 declaration, I described the general process by which Class Counsel entered into contingency fee agreements with class representatives in the *Moehrl* and *Burnett* actions. Class Counsel have entered into the same type of contingency fee agreements in the *Gibson* litigation. Class Counsel agreed to work with the named Plaintiffs on a wholly contingent basis pursuant to contingency fee agreements. Each of the contingency fee agreements provided that Class Counsel may seek a fee up to 1/3rd of the total settlement amount. Class Counsel has not received any amounts in connection with this case, either as fee income, litigation funding or expense reimbursement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of August, 2024, at Seattle, Washington.



STEVE W. BERMAN

Exhibit A

Realtors I and II
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS - INCEPTION THROUGH JULY 31, 2024

ATTORNEY	STATUS	CURRENT HOURLY RATE	TOTAL HOURS	LODESTAR AT CURRENT RATES
Steve Berman	Partner	\$1,350.00	395.90	\$534,465.00
Craig Spiegel	Partner	\$975.00	553.20	\$539,370.00
Rio Pierce	Partner	\$950.00	2594.20	\$2,464,490.00
Jeannie Evans	Partner	\$950.00	3575.90	\$3,397,105.00
Leonard Aragon	Partner	\$850.00	2.50	\$2,125.00
Dan Kurowski	Partner	\$800.00	4.70	\$3,760.00
Chris O'Hara	Partner	\$800.00	452.00	\$361,600.00
Ted Wojcik	Partner	\$750.00	318.20	\$238,650.00
Mark Vazquez	Partner	\$700.00	2.00	\$1,400.00
Karl Barth	Of Counsel	\$775.00	516.80	\$400,520.00
Nick Styant-Browne	Of Counsel	\$650.00	75.50	\$49,075.00
Shelby Smith	Of Counsel	\$650.00	188.20	\$122,330.00
Whitney Siehl	Associate	\$550.00	380.30	\$209,165.00
Jeff Lang	Staff Attorney	\$575.00	4871.40	\$2,801,055.00
Allan Lundsgaarde	Staff Attorney	\$500.00	259.20	\$129,600.00
Sophia Chao	Staff Attorney	\$500.00	24.90	\$12,450.00
Matthew Rovner	Staff Attorney	\$500.00	255.00	\$127,500.00
Jay Mitchell	Staff Attorney	\$500.00	1602.00	\$801,000.00
John Roeser	Contract Attorney	\$375.00	1629.00	\$610,875.00
Samuel Collin	Contract Attorney	\$375.00	648.00	\$243,000.00
Shelby Clark	Contract Attorney	\$375.00	1259.50	\$472,312.50
Tiffani Fox	Contract Attorney	\$350.00	200.00	\$70,000.00
Maureen Flanigan	Contract Attorney	\$350.00	233.90	\$81,865.00
Carrie Flexer	Paralegal	\$425.00	5.30	\$2,252.50
Megan Meyers	Paralegal	\$400.00	807.60	\$323,040.00
Brian Miller	Paralegal	\$400.00	208.10	\$83,240.00
Chavay Williams	Paralegal	\$400.00	20.20	\$8,080.00
Rob Haegele	Paralegal	\$400.00	0.40	\$160.00
Bill Stevens	Paralegal	\$400.00	17.70	\$7,080.00
Nicolle Huerta	Paralegal	\$400.00	14.00	\$5,600.00
Lisa Napoleon	Paralegal	\$400.00	1.20	\$480.00
Jeaneth Decena	Paralegal	\$350.00	56.00	\$19,600.00
Shelby Taylor	Paralegal	\$350.00	27.70	\$9,695.00
Radha Kerzan	Paralegal	\$350.00	64.10	\$22,435.00
Don Young	Paralegal	\$225.00	9.90	\$2,227.50
Chan Lovell	Paralegal Assistant	\$300.00	8.80	\$2,640.00
Noreen Andersen	Law Clerk	\$175.00	7.20	\$1,260.00
Hannah Song	Law Clerk	\$150.00	29.50	\$4,425.00
Nancy Duenez	Law Clerk	\$125.00	1.70	\$212.50
		GRAND TOTAL	21321.70	\$14,166,140.00

Exhibit B

Realtors I and II
Hagens Berman Sobol Shapiro LLP
NON-LIT FUND EXPENSE TOTALS - INCEPTION THROUGH JULY 31, 2024

CATEGORY	AMOUNT
Court Fees/Filing Fees	\$1,550.00
Online Services/Legal Research (LexisNexis/Westlaw/PACER)	\$15,797.65
Messenger/Process Service	\$2,995.20
Mediation Fees	\$17,500.00
Outside Copy Service	\$1,524.00
In-House Copying/Printing (\$0.25/per page)	\$15,954.75
Overnight Shipping	\$3,651.40
Airfare	\$5,076.47
Hotels	\$1,992.83
Meals	\$221.67
Ground Transportation/Parking	\$742.24
	\$67,006.21